

MINUTES

INDIANA STATE BOARD OF DENTAL EXAMINERS

MARCH 6, 2009

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Williams called the meeting to order at 9:00 a.m. in the Professional Licensing Agency Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

Galen Williams, D.D.S., President
Jill Burns, D.D.S., Vice President
Matthew Miller, D.D.S., Secretary
Laverne Whitmore, L.D.H., B.S.
Richard T. Newton, D.D.S.
Gary Haller, D.D.S.
Steven Hollar, D.D.S.
Theodore Rokita, D.D.S.
Charles Heape, D.D.S.
Clance LaTurner, Consumer Member

Board Members Absent:

Philip Catey, D.D.S.

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Kristine Yarde, Assistant Board Director, Professional Licensing Agency
Heather Holcraft, Case Manager, Professional Licensing Agency
Liz Brown, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda, as amended.

HALLER/LATURNER

Motion carried 8-0-0

Dr. Heape and Dr. Rokita were not present

III. ADOPTION OF THE MINUTES FROM THE JANUARY 9, 2009 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes of the January 9, 2009 meeting of the Board.

BURNS/LATURNER

Motion carried 8-0-0

Dr. Heape and Dr. Rokita were not present

IV. APPEARANCES

A. PROBATIONARY

1. **Tammy Bacon, L.D.H., License No. 13005564A**
Administrative Cause No. 2008 ISDB 0005

Ms. Bacon appeared before the Board, as requested, regarding her ongoing probationary status. She advised things are going well. The Board had no concerns.

2. **Teresa M. Goodman, D.D.S., License No. 12010271A**
Administrative Cause No. 2005 DB 0002

Dr. Goodman appeared before the Board, as requested, regarding her ongoing probationary status. She stated she is still volunteering at a clinic providing services for children who do not have insurance. She reported things are going well.

3. **Edward Mamaril, D.D.S., License No. 12008594A**
Administrative Cause No. 2008 ISDB 0006

Dr. Mamaril appeared before the Board, as requested, regarding his ongoing probationary status. The Board again told Dr. Mamaril that he must not use patient names or initials on his controlled substance logs that he submits to the Board. They explained some alternatives he could use to avoid any HIPAA violations. The Board also noted that in one of his reports he stated he was calling in all controlled substance prescriptions but they made it clear to him that per his Order he must personally call in all prescriptions he writes, including non-narcotics. Dr. Mamaril stated that he understood.

4. **Trevor Treasure, D.D.S., License No. 12010719A**
Administrative Cause No. 2007 ISDB 0002

Dr. Treasure appeared before the Board, as requested, regarding his ongoing probationary status. He stated things are going very well at Indiana University School of Dentistry. Dr. Treasure presented his controlled substance log to the Board. The Board had no concerns.

5. **Daniel J. Fink D.D.S., License No. 12007602A**
Appearing with Walter Edwards, D.M.D.
Administrative Cause No. 2006 DB 0006

Dr. Fink appeared before the Board, as requested, regarding his ongoing probationary status. Dr. Fink advised that his current on-site monitor Dr. Ruthie Jimerson is going to be employed in other places as well as his practice and therefore cannot be onsite with Dr. Fink at all times that he is in the office as required by his Probation Order. Dr. Fink asked the Board to consider and accept Dr. Walter Edwards as a second on-site monitor. Dr. Fink stated Dr. Edwards will be present when Dr. Jimerson is not. The Board reviewed Dr. Edwards' credentials and explained what is expected of him if he is accepted as an on-site monitor. Dr. Edwards stated that he understood what he would need to do.

Board Action: A motion was made and seconded to accept Dr. Walter Edwards as an additional on-site monitor for Dr. Fink.

BURNS/WHITMORE
Motion carried 10-0-0

B. APPLICATION

There were no application appearances before the Board.

C. RENEWAL

1. Michael Steven Ginsburg, D.D.S., License No. 12010576A

Dr. Ginsburg applied for the renewal of his dental license. His dental license has been expired since March 1, 2002. Dr. Ginsburg has submitted all of the proper documentation, fees, and continuing education hours to renew his license. He told the Board he let his license expire because he was practicing in Illinois then he moved to Missouri and practiced there at a children's clinic and then later in private practice. He stated he has a job offer from Kool Smiles in Evansville, Indiana.

Board Action: A motion was made and seconded to renew Dr. Ginsburg's dental license.

HOLLAR/NEWTON
Motion carried 10-0-0

V. ADMINISTRATIVE HEARINGS

A. Trevor Treasure, D.D.S., License No. 12010719A

Administrative Cause No. 2007 ISDB 0002
Re: Request for Modification of Probation

Parties and Counsel Present:

Respondent was present and was not represented by Counsel
Mark Mader, Deputy Attorney General for the State of Indiana
Carrie Owens, Court Reporter

Participating Board Members:

Dr. Williams (Hearing Officer)
Dr. Burns
Dr. Newton
Dr. Miller
Dr. Haller
Dr. Hollar
Ms. Whitmore, L.D.H., B.S.
Dr. Rokita
Dr. Heape
Ms. LaTurner

Case Summary: The Respondent petitioned the Board for a hearing to modify his Probationary Order to allow him to make quarterly personal appearances before the Board instead of monthly appearances. He also requested that his supervisor be allowed to submit quarterly reports instead of monthly reports. The State had no objection to the Respondent's requests.

Board Action: A motion was made and seconded to modify the Respondent's Probationary Order allowing him to make quarterly personal appearances and his employer to submit quarterly reports.

HOLLAR/WHITMORE
Motion carried 10-0-0

B. Sharyn Lee Gallaway, L.D.H.

Administrative Cause No. 2009 ISDB 0001

Re: Petition for Review of the Board's Denial of Petitioner's Application for
Licensure

Parties and Counsel Present:

Respondent was present and was not represented by Counsel
The State of Indiana was not represented
Carrie Owens, Court Reporter

Participating Board Members:

Dr. Williams (Hearing Officer)
Dr. Burns
Dr. Miller
Ms. LaTurner
Dr. Newton
Ms. Whitmore, L.D.H., B.S.
Dr. Hollar
Dr. Heape
Dr. Haller
Dr. Rokita

Case Summary: The Petitioner petitioned the Board for a hearing concerning the Board's previous decision to deny her a dental hygiene license by endorsement. The Board's denial was due to the fact that the Petitioner had not practiced an average of twenty (20) hours a week for two (2) of the last five (5) years as required by law. The Petitioner told the Board she had held several different part-time positions with various doctors in California and Arizona in the last five years. The Board reviewed the work history she supplied on her application and informed her it did not appear she meets the requirements for a license by endorsement. The Petitioner expressed her displeasure with the law and stated she only wanted to work on a temporary fill-in basis in Indiana. The Board explained she needs to get letters from each doctor she worked for in the last five years and the letters must state the total number of hours worked in the office, not just the dates of employment. They informed her that her other option would be to reapply by examination and that would require her to retake and pass all parts of a clinical examination.

Board Action: A motion was made and seconded to deny Ms. Gallaway's appeal and uphold the Board's original decision of denying her a license by endorsement.

BURNS/HOLLAR
Motion carried 10-0-0

VI. SETTLEMENT AGREEMENTS

There were no settlement agreements before the Board.

VII. NOTICE OF PROPOSED DEFAULT

There were no Notices of Proposed Default before the Board.

VIII. OLD/NEW BUSINESS

There was no old/new business

IX. DISCUSSION

A. W. Richard Leyda, D.D.S.

Re: Response to Continuing Education Audit

The Board reviewed the letter sent by Dr. Leyda.

B. David J. Harris, D.D.S.

Re: Response to Continuing Education Audit

The Board reviewed the letter sent by Dr. Harris. The Board noted that his displeasure with the two hour ethics requirement and his belief that it is nonsense to take the same course every two years. The Board discussed that it is not the same course given every two years and sponsors will be constantly changing the material to address various parts of the law and new ethical issues. The IDA stated they do update their course and do not give the same material repetitively. The Board members themselves expressed that they have encountered new material and come away from the course having learned something new. The Board further noted that if these practitioner's were as aware of the Indiana laws as they claim to be then they would have understood and met the continuing education requirements thereby avoiding discipline by the Board.

C. Kylee Baumlee, L.D.H.

Re: Response to Continuing Education Audit

The Board reviewed the letter sent by Ms. Baumlee claiming she completed the two hour IDA Ethics and Jurisprudence course prior to March 1st and should not have been punished because they did not grade it until March 10th, the date on her certificate. The IDA addressed the Board and stated that all post tests are date stamped the day they are received in the office and all certificates of completion are given that date. The IDA stated if her certificate had a date of March 10th then that is the date they received it.

D. Laurie Carter, D.D.S., PhD

President, American Academy of Oral and Maxillofacial Radiology

Re: Cone Beam Computed Tomography

The Board reviewed a letter written by Dr. Carter inquiring about the board's opinion on specific questions for regulations of cone beam computed tomography. The Board discussed CBCT machines, its uses, the cost, and training necessary. The Board will not answer specific questions concerning regulation of CBCT machines because Indiana law does not currently address it but they recognize there may be issues that need to be addressed in the future.

E. Proposed Rules

Dr. Burns reviewed proposed draft rule language with the Board and a discussion was held regarding the dental hygienists and dental assistants. The Board will

review the proposed language and will vote on whether to move forward with the proposed language at the May 1, 2009 meeting.

X. APPLICATION REVIEW

A. Endorsement

1. Arwinder Judge, D.D.S.

The Board reviewed Dr. Judge's application file by endorsement. Dr. Judge is a 1995 graduate of New York University. He has taken and passed the National Boards in 1993 and 1995 and the North East Regional Board of Dental Examiners (NERB) in 1995. Dr. Judge is currently licensed in the states of Illinois, Iowa, Massachusetts, New York, Pennsylvania and Wisconsin. Dr. Judge answered "yes" to a question on his application with regards to a malpractice settlement in 1997. The Board had no issue with the explanation submitted.

Board Action: A motion was made and seconded to grant Dr. Judge a dental license upon passing the law examination.

HEAPE/HOLLAR
Motion carried 10-0-0

B. Examination

1. Afsaneh Samimi, D.D.S.

The Board reviewed Dr. Samimi's application file by examination. Dr. Samimi is a 2008 graduate of the University of North Carolina. She has taken and passed the National Boards in 2005 and 2007 and the Council of Interstate Testing Agencies (CITA) examination in 2008. Dr. Samimi was issued a dental intern permit on July 1, 2008 to June 30 2009 at Indiana University, Oral Surgery and Hospital Dentistry under William C. Hine, Jr., D.D.S., Program Director, General Practice Residency. The CITA examination is a clinical examination and per the Board's administrative rules, 828 IAC 1-1-7, the examination is not acceptable. Dr. Samimi will be required to take the North East Regional Board of Dental Examiners (NERB) or other acceptable examination as specified or wait and reapply by endorsement when she meets the practice requirements under endorsement.

Board Action: A motion was made and seconded to deny Dr. Samimi's application for a dental license.

BURNS/MILLER
Motion carried 10-0-0

C. Anesthesia and Sedation Permits

There were no anesthesia permits to review.

D. Dental Intern Permit

There were no dental intern permits to review.

E. Mobile Dental Facility

There were no mobile dental facility applications to review.

F. Instructors License

There were no instructors' license applications to review.

G. Professional Corporations

There were no professional corporation applications to review.

XI. RENEWALS

There were no renewals.

XII. PROBATIONARY/CONDITIONAL LICENSE REPORT

A. James W. Cahillane, D.D.S.

Dr. Haller reviewed Dr. Cahillane's probationary file. His reports from the Indiana Dental Well Being Program for January and February 2009 were reviewed and accepted.

B. Penelope Dunlap, D.D.S.

Dr. Hollar reviewed Dr. Dunlap's probationary file. Her reports from Joseph W. Hake, D.D.S., Monitor, for February and March 2009 were reviewed and accepted. Dr. Hollar reported there are still details Dr. Lawrence Garetto needs to work out with the ethical mentorship program so they are not ready to begin working with Dr. Dunlap at this time. Dr. Hollar requested Ms. Vaught to write a letter to Dr. Dunlap confirming what was discussed by the Board on January 9, 2008. A letter was reviewed and approved to send to Dr. Dunlap regarding this issue. Dr. Hollar will be the contact person from the Board.

C. Daniel J. Fink, D.D.S.

Dr. Haller reviewed Dr. Fink's probationary file. His reports from Dr. Ruthie Jimerson, Supervising Monitor, for February and March 2009 and the quarterly reviews from his staff were reviewed and accepted. Dr. Fink's next appearance is scheduled for May 1, 2009.

D. Marci L. Huth, L.D.H.

Dr. Haller reviewed Ms. Huth's probationary file. Ms. Huth reported on March 4, 2009 that she was no longer employed by Dr. Scott Adams due to her not being able to work four (4) days per week. Dr. Adams reported that Ms. Huth is no longer employed at his facility due to a disagreement between Ms. Huth and a patient. The Board requested that Ms. Huth be scheduled to personally appear before the Board at the May 1, 2009 meeting to discuss this matter.

E. Christopher Leonard, D.D.S.

Dr. Haller reviewed Dr. Leonard's probationary file. His reports from Jerry Hickman, D.D.S., Work Site Monitor, for November and December 2008 and the Indiana Dental Well-Being Program for January and February 2009 were reviewed and accepted.

F. Bland Pope Walker

Dr. Haller reviewed Dr. Walker's probationary file. His reports from the Indiana Dental Well-Being Program for January and February 2009 were reviewed and accepted.

G. Shannon Arnett

Dr. Haller reviewed Dr. Arnett's probationary file. Dr. Arnett submitted proof of completion of three (3) continuing education programs. One was for Learn Well Resources, "Ethical Choices: How to Reason Ethically" on January 12, 2009 for three (3) hours of continuing education credit. The other two were completed with Dynamic Dental, "Indiana Ethics, Statutes, and Rules" and "Rules, Laws and Ethics" for two (2) hours of continuing education credit each. The Board requested that the courses be verified that they are two (2) separate courses and report back to the Board at the next meeting.

XIII. CONTINUING EDUCATION

A. Conscious Sedation Consulting, LLC

Board Action: A motion was made and seconded to grant Conscious Sedation Consulting, LLC approval as a continuing education provider from March 6, 2009 until March 2, 2010.

NEWTON/BURNS
Motion carried 10-0-0

B. Bloomington Dental Society Study Club

Board Action: A motion was made and seconded to grant Bloomington Dental Society Study Club approval as a continuing education provider from March 6, 2009 until March 2, 2010.

NEWTON/BURNS
Motion carried 10-0-0

C. Hoosiers for Dental Excellence Study Club

Board Action: A motion was made and seconded to grant Hoosiers for Dental Excellence Study Club conditional approval as a continuing education provider from March 6, 2009 until March 2, 2010 upon receipt of the bylaws.

NEWTON/BURNS
Motion carried 10-0-0

D. LaPorte County Dental Society Study Club

Board Action: A motion was made and seconded to grant LaPorte County Dental Society Study Club approval as a continuing education provider from March 6, 2009 until March 2, 2010 upon receipt of the bylaws.

NEWTON/BURNS
Motion carried 10-0-0

XIV. REPORTS

1. Dr. Hollar had request Dr. Garetto to appear today to give a presentation on the ethical mentorship program but Dr. Garetto was unable to attend the meeting due to exams.

2. Ms. Whitmore, L.D.H, B.S. discussed several emails she has received concerning dental assistants taking x-rays without a dentist in the practice. She told the Board she cited the laws to the person. The other email pertained to dental assistants performing procedures that are inappropriately delegated to them by dentists. She expressed her concern with dental assistants working within the scope of practice of a dental hygienist and performing duties they are not properly trained to do such as periodontal probing. The Board advised Ms. Whitmore to encourage the person sending the email to file a complaint with the Attorney General's Office so the dentist can be investigated. Ms. Whitmore stated she would do that but voiced an opinion that seemingly some complaints are filed which for unknown reasons never come before the Board and therefore nothing happens. Dr. Miller told Ms. Whitmore all complaints are supposed to be forwarded to him and if she is aware of any complaints that have been filed and may still be pending to let him know so he can address the issue with the Attorney General's Office.

3. Dr. Miller reported the Central Regional Dental Testing Service (CRDTS) has left ADEX. He believes this separation has resulted over a dispute concerning examination issues. ADEX is set up by state boards around the country so the Board determined they will stay out of the dispute for now and see what transpires.

4. Dr. Hollar distributed a newspaper article to the Board concerning teeth whitening in salons and mall kiosks. He noted that Alabama, Oklahoma, and Tennessee are banning this practice and lawsuits are taking place. The Board noted they will have to pass laws in Indiana in order to address the issue.

XVI. ASSOCIATION REPORTS

A. Indiana Dental Association

The IDA did not give a report other than to reiterate that the Ethics and Jurisprudence programs they offer will not be the same course each time.

B. Indiana Dental Hygiene Association

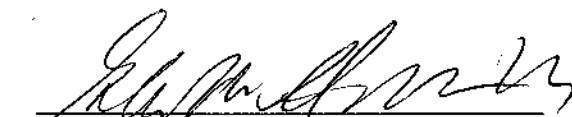
The IDHA did not give a report.

C. Indiana Dental Assistants Association

The IDAA did not give a report.

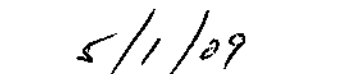
XVII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana State Board of Dentistry adjourned at 12:30 p.m.


Galen Williams, D.D.S., President


Date


Matthew Miller, D.D.S., Secretary


Date